

R710. Public Safety, Fire Marshal.

R710-10. Rules Pursuant to Fire Service Training, Education, and Certification.

R710-10-1. Title, Authority, and Adoption of Codes.

1.1 These rules shall be known as the "Rules Pursuant to Fire Service Training, Education, and Certification, and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for fire service training, education and certification by establishing a Fire Service Education Administrator, a Fire Education Program Coordinator, the Fire Service Standards and Training Council, the Fire Service Certification Council, the Utah Fire and Rescue Academy, and standards for those agencies conducting non-affiliated fire service training.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 National Fire Protection Association (NFPA), NFPA 1403, Standard on Live Fire Training Evolutions, 2002 edition.

R710-10-2. Definitions.

2.1 "Academy" means Utah Fire and Rescue Academy.

2.2 "Academy Director" means the Director of the Utah Fire and Rescue Academy.

2.3 "Administrator" means Fire Service Education Administrator.

2.4 "Board" means Utah Fire Prevention Board.

2.5 "Career Firefighter" means one whose primary employment is directly related to the fire service.

2.6 "Certification Council" means the Fire Service Certification Council.

2.7 "Certification System" means the Utah Fire Service Certification System.

2.8 "Coordinator" means Fire Service Education Program Coordinator.

2.9 "Hazardous Material" means a substance that can be solid, liquid or gas, that when released is capable of creating harm to people, the environment and property and includes weapons of mass destruction as well as illicit labs, environmental crimes, and industrial sabotage.

2.[9]10 "Non-Affiliated" means an individual who is not a member of an organized fire department.

2.[10]11 "Plan" means Fire Academy Strategic Plan.

2.[11]12 "SFM" means State Fire Marshal or authorized deputy.

2.[12]13 "Standards Council" means Fire Service Standards and Training Council.

2.[13]14 "UCA" means Utah Code Annotated, 1953.

2.[14]15 "Volunteer/Part-Paid Firefighter" means one whose primary employment is not directly related to the fire service.

R710-10-3. Fire Service Education Administrator.

3.1 There is created by the Board a Fire Service Education Administrator for the State of Utah. This Administrator shall be the State Fire Marshal.

3.2 The Administrator shall oversee statewide fire service education of all personnel receiving training monies from the Fire Academy Support Account.

3.2.1 The Administrator shall oversee fire service education in fire suppression, fire prevention, fire administration, operations, hazardous materials, rescue, fire investigation, and public fire education in the State of Utah.

3.3 The Administrator shall dedicate sufficient time and efforts to ensure that those monies dedicated from the Fire Academy Support Account are expended in the best interests of all personnel receiving fire service education.

3.4 The Administrator shall ensure equitable monies are expended in fire service education to volunteer, career, and prospective fire service personnel.

3.5 The Administrator shall as directed by the Board, solicit the legislature for funding to ensure that fire service personnel receive sufficient monies to receive the education necessary to prevent loss of life or property.

3.6 The Administrator shall oversee the Fire Department Assistance Grant program by completing the following:

3.6.1 Insure that a broad based selection committee is impaneled each year.

3.6.2 Compile for presentation to the Board the proposed grants.

3.6.3 Receive the Board's approval before issuing the grants.

3.7 The Administrator shall if necessary, establish proposed changes to fire service education statewide, insuring personnel receive the most proficient and professional training available, insure completion of agreements and contracts, and insure that payments on agreements and contracts are completed expeditiously.

3.8 The Administrator shall report to the Board at each regularly scheduled Board meeting the current status of fire service education statewide. The Administrator shall present any proposed changes in fire service education to the Board, and receive direction and approval from the Board, before making those changes.

R710-10-4. Fire Service Education Program Coordinator.

4.1 The Fire Service Education Program Coordinator shall assist the Administrator in statewide fire service education.

4.2 The Coordinator shall conduct fire service education evaluations, budget reviews, performance audits, and oversee the effectiveness of fire service education statewide.

4.3 The Coordinator shall ensure that there is an established Utah Fire Service Strategic Training Plan for fire service education statewide. The Coordinator shall work with the Academy Director to update the Strategic Plan and keep it current to the needs of the fire service.

4.4 The Coordinator shall report findings of audits, budgetary reviews, training contracts or agreements, evaluation of training standards, and any other necessary items of interest with regard to fire service education to the Administrator.

4.5 The Coordinator shall ensure that contracts are established each year for training and education of fire personnel that meets the needs of those involved in fire service education statewide.

4.6 The Coordinator shall be the staff assistant to the Fire Service Standards and Training Council and shall present agenda items to the Council Chair that need resolution or review. As the staff assistant to the Training Council, the coordinator shall ensure that appointed members attend, encourage that the decisions made further the interests of fire service education statewide, and ensure that the Board is kept informed of the Training Council's decisions.

R710-10-5. Fire Service Standards and Training Council.

5.1 There is created by the Board, the Fire Service Standards and Training Council, whose duties are to provide direction to the Board and Academy in matters relating to fire service standards, training, and certification.

5.2 The Standards Council shall serve in an advisory position to the Board, members shall be appointed by the Board, shall serve four year terms, and shall consist of the following members:

5.2.1 Representative from the Utah State Fire Chiefs Association.

5.2.2 Representative from the Utah State Firemen's Association.

5.2.3 Representative from the Fire Marshal's Association of Utah.

5.2.4 Specialist in hazardous materials representing the Hazardous Materials Institute.

5.2.5 Fire/arson investigator representing the Utah Chapter of the International Association of Arson Investigators.

5.2.6 Specialist in wildland fire suppression and prevention from the Utah State Division of Forestry, Fire and State Lands.

5.2.7 Representative from the International Association of Firefighters.

5.2.8 Representative from the Utah Fire Service Certification Council.

5.2.9 Representative from the fire service that is an Advanced Life Support (ALS) provider to represent Emergency Medical Services.

5.2.10 Representative from the Utah Fire Training Officers Association.

5.3 The Standards Council shall meet quarterly and may hold other meetings as necessary for proper transaction of business. A majority of the Standards Council members shall be present to constitute a quorum.

5.4 The Standards Council shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

5.5 If a Standards Council member has two or more unexcused absences during a 12 month period, from regularly scheduled Standards Council meetings, it is considered grounds for dismissal pending review by the Board. The Coordinator shall submit the name of the Standards Council member to the Board for status review.

5.6 A member of the Standards Council may have a representative of their respective organization sit in proxy of that member, if submitted and approved by the Coordinator prior to the meeting.

5.7 The Chair or Vice Chair of the Standards Council shall report to the Board the activities of the Standards Council at regularly scheduled Board meetings. The Coordinator may report to the Board the activities of the Standards Council in the absence of the Chair or Vice Chair.

5.8 The Standards Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.

5.9 One-half of the members of the Standards Council shall be reappointed or replaced by the Board every two years.

R710-10-6. Utah Fire Service Certification Council.

6.1 There is created by the Board, the Utah Fire Service Certification Council, whose duties are to oversee fire service certification in the State of Utah.

6.2 The Certification Council shall be made up of 12 members, appointed by the Academy Director, approved by the Board, and each member shall serve three year terms.

6.3 The Certification Council shall be made up of users of the certification system and comprise both paid and volunteer fire personnel, members with special expertise, and members from various geographical locations in the state.

6.4 The purpose of the Certification Council is to provide direction on all aspects of certification, and shall report the activities of the Certification Council to the Fire Service Standards and Training Council.

6.5 Functioning of the Certification Council with regard to certification, re-certification, testing, meeting procedures, examinations, suspension, denial, annulment, revocation, appeals, and reciprocity, shall be conducted as specified in the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual.

6.6 A copy of the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual, shall be kept on file at the State Fire Marshal's Office and the Utah Fire and Rescue Academy.

R710-10-7. Hazardous Materials Advisory Council.

7.1 There is created by the Board, the Hazardous Materials Advisory Council, whose duties are to provide direction to the Board in matters relating to training and certification of hazardous materials.

7.2 The Hazardous Materials Advisory Council's members shall be appointed by the Board, shall serve four year terms, and shall consist of the following members:

7.2.1 Representative from the career fire service.

7.2.2 Representative from the volunteer fire service.

7.2.3 Representative from the Department of Environmental Quality.

7.2.4 Representative from the Department of Transportation.

7.2.5 Representative from law enforcement.

7.2.6 Representative from the Fire and Rescue Academy.

7.2.7 Representative from the Hazardous Materials Institute.

7.2.8 Representative from the National Guard.

7.2.9 Representative from the Local Emergency Planning Commission (LEPC).

7.2.10 Representative from private industry.

7.3 The Hazardous Materials Advisory Council shall meet quarterly or as directed, and a majority of the members shall be present to constitute a quorum.

7.4 The Hazardous Materials Advisory Council shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of each calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

7.5 If a Hazardous Materials Advisory Council member has two or more unexcused absences during a 12 month period, from regularly scheduled meetings, it is considered grounds for dismissal pending review by the Board. The Coordinator shall submit the name of the member to the Board for status review.

7.6 A member of the Hazardous Materials Advisory Council that cannot be in attendance, may have a representative of their respective organization attend and vote by proxy for that member or the member may have another council member vote by proxy, if submitted and approved by the Coordinator prior to the meeting.

7.7 The Chair or Vice Chair of the Hazardous Materials Advisory Council shall report to the Board the activities of the council at regularly scheduled Board meetings. The Coordinator may report to the Board the activities of the council in the absence of the Chair or Vice Chair.

7.8 The Hazardous Materials Advisory Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.

7.9 One-half of the members of the Hazardous Materials Advisory Council shall be reappointed or replaced by the Board every two years.

R710-10-[7]8. Utah Fire and Rescue Academy.

[7]8.1 The primary fire service training school shall be known as the Utah Fire and Rescue Academy.

[7]8.2 The Director of the Utah Fire and Rescue Academy shall report to the Administrator the activities of the Academy with regard to completion of the agreed academy contract.

[7]8.3 The Academy Director may recommend to the Administrator or Coordinator new or expanded standards regarding fire suppression, fire prevention, public fire education, safety, certification, and any other items of necessary interest about the Academy.

[7]8.4 The Academy shall receive approval from the Administrator, after being presented to the Standards and Training Council, any substantial changes in Academy training programs that vary from the agreed contract.

[7]8.5 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those career, volunteer/part-paid, and non-affiliated students attending the Academy in the following categories:

[7]8.5.1 Those who have received certification during the previous contract period at each certification level.

[7]8.5.2 Those who have received an academic degree in any Fire Science category in the previous contract period.

[7]8.5.3 Those who have completed other Academy classes during the previous contract period.

[7]8.6 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical comparison of the categories required in Section 7.5, comparing attendance in the previous contract period.

[7]8.7 The Academy Director shall provide to the Coordinator by October 1st of

each year, in accepted budgeting practices, the following:

[7]8.7.1 A cost analysis of classes to include the total spent for each class title, the average cost per class, the number of classes delivered, the number of participants per class title, and the cost per participant for each class title provided by the Academy.

[7]8.7.2 A budget summary comparing amounts budgeted to actual expenditures for each budget code funded by the contract.

[7]8.8 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those students attending Academy courses in the following categories:

[7]8.8.1 Non-affiliated personnel enrolled in college courses.

[7]8.8.2 Career fire service personnel enrolled in college credit courses.

[7]8.8.3 Volunteer and part-paid fire service personnel enrolled in college credit courses.

[7]8.8.4 Non-affiliated personnel enrolled in non-credit continuing education courses.

[7]8.8.5 Career fire service personnel enrolled in non-credit continuing education courses.

[7]8.8.6 Volunteer and part-paid fire service personnel enrolled in non-credit continuing education courses.

[7]8.9 The Academy Director shall present to the Coordinator by January of each year, proposals to be incorporated in the Academy contract for the next fiscal year.

R710-10-[8]9. Non-Affiliated Fire Service Training.

[8]9.1 Those training organizations that desire to offer certification through the Certification System for non-affiliated personnel must receive approval in writing from the Standards Council and the Academy Director.

[8]9.2 Before approval is granted, the training organization requesting approval shall demonstrate the following:

[8]9.2.1 Complete a written application requesting approval to conduct the training course.

[8]9.2.2 Designate an approved course coordinator to oversee the course delivery and insure the course meets each of the applicable objectives.

[8]9.2.3 Insure that qualified instructors are used to teach each subject.

[8]9.2.4 Insure sufficient student to instructor ratios for all subjects or skills to be taught to include those designated high hazard.

[8]9.2.5 Demonstrate that sufficient equipment and facilities will be provided to meet the training requirements of the course being taught.

[8]9.2.6 Maintain course documentation as required through the Certification System to insure that all elements of the necessary training is completed.

[8]9.2.7 Follow the accepted requirements of the Certification System for requesting testing and certification.

[8]9.3 As required in Section 8.2.2 of these rules, the designated course coordinator shall meet the following requirements:

[8]9.3.1 Be currently certified at the certification level as established by the Standards Council.

[8]9.3.2 Insure that all assigned instructors meet the requirements as required in Section 8.4 of these rules.

[8]9.3.3 Insure that the course syllabus and practical skills guide meet the requirements of the Certification System.

[8]9.3.4 Insure that the requirements of Sections 8.2.4, 8.2.5, 8.2.6, and 8.2.7 of these rules are met.

[8]9.4 As required in Section 8.2.3 of these rules, qualified instructors shall meet the following requirements:

[8]2.4.1 Must be currently certified at the certification level as established by the Standards Council.

[8]2.4.2 If the instructor is not certified, instructor qualification can be satisfied by special knowledge, experience or establishment of expertise.

R710-10-[9]10. Repeal of Conflicting Board Actions.

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-10-[10]11. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-10-[11]12. Adjudicative Proceedings.

[11]12.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

[11]12.2 A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

[11]12.3 All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63-46b-3.

[11]12.4 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

[11]12.5 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

[11]12.6 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

[11]12.7 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

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